

RM 8577

**OFFICE OF COMMISSIONER RACHELLE B. CHONG**  
**Federal Communications Commission**  
**1919 M Street, N.W., Room 844**  
**Washington, D.C. 20554**  
**Telephone: (202) 418-2200**  
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April 18, 1995

**RECEIVED**  
**APR 20 1995**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**OFFICE OF SECRETARY**

Ms. Joan Bechtel  
Chairman, Sutter County Board of Supervisors  
1160 Civic Center Blvd.  
Yuba City, California 95993

**DOCKET FILE COPY ORIGINAL**

Re: Cellular Telecommunications Industry Association's Petition to  
Preempt State and Local Zoning Regulations

Dear Ms. Bechtel:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

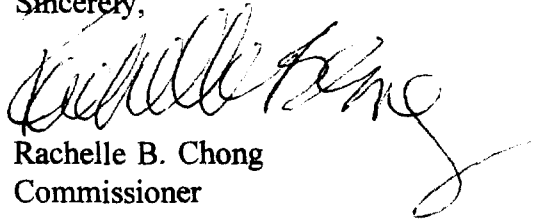
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachelle B. Chong', with a long, sweeping flourish extending to the right.

Rachelle B. Chong  
Commissioner

# BOARD OF SUPERVISORS

## COUNTY OF SUTTER

1160 CIVIC CENTER BLVD.  
YUBA CITY, CALIFORNIA 95993

March 22, 1995

(916) 741-7106



Federal Communications Commission  
Attn: Commissioner Rachelle Chong  
1919 M Street, N.W.  
Washington, DC 20036

Dear Commissioner Chong:

Re: Opposition to Proposed Rule RM-8577 regarding the preemption of state and local regulations with regard to cellular telephone towers

On March 21, the Sutter County Board of Supervisors directed that this letter be sent expressing our opposition to Proposed Rule RM-8577 currently being considered by the FCC. This Rule would allow the preemption of state and local government zoning and other land use regulations in matters of locating and constructing new towers for commercial mobile radio service (cellular phones).

As the elected representatives of Sutter County residents, we are obligated by law to promote the health and safety of our residents and protect our natural resources. Land use planning and zoning standards are critical components of local governance. For example, this is an agriculturally based community which relies heavily on low flying aircraft used for crop dusting. Clearly there must be compatibility between the crop dusting industry and the location of radio towers, and we have the best information locally to make these decisions. However, we are also aware that our residents want access to the latest technology in cellular phone communications. We are confident, therefore, that it is in our best mutual interest to work cooperatively with the FCC and the cellular telecommunications industry.

The Sutter County Board of Supervisors, like many other counties in California, recently adopted a resolution requiring all federal agencies to work cooperatively with us on issues directly affecting our residents. Our Board believes that, whenever possible, public policy decisions should be made at the level closest to the people. Proposed Rule RM-8577 represents a step in the opposite direction.

Thank you for your consideration and assistance in this matter.

Sincerely,

  
Joan Bechtel, Chairman  
Sutter County Board of Supervisors

cc: Representative Vic Fazio  
Representative Wally Herger  
Senator Diane Feinstein  
Senator Barbara Boxer

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REGULAR MEETINGS ARE HELD TUESDAY OF EACH WEEK